

### **REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and the following remarks, is respectfully requested. Further Applicants request entry of this Amendment under 37 C.F.R. § 1.116 at least because this Amendment is believed to reduce issues for appeal and place the application in condition for allowance.

Claims 1-25 are currently pending in this application. Claims 1, 6, 16 and 25 are amended and Applicants submit that support for the amendments are provided throughout the specification. Claims 1, 6, 16 and 25 are independent claims.

### **Rejections under 35 U.S.C. § 101**

Claims 16-24 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Initially, Applicants maintain the arguments submitted in the previous Amendment filed February 26, 2008 are sufficient to overcome this rejection. However, in the interest of expediting prosecution, Applicants have further amended independent claim 16 to further clarify the computer-readable medium storing the data structure includes functional descriptive material describing functional and structural interrelationships between the data structure stored on the computer-readable medium and an apparatus's software and hardware components, which permit the data structure's functionality to be realized. In particular, Applicants note that amended claim 16 recites a "computer-readable medium storing a data structure, which when referenced by an apparatus, causes the apparatus to manage data stored on the computer-readable medium according to the data structure" and "at least one graphic link information file containing information that is used by the apparatus to link a plurality of graphic images." Accordingly, Applicants submit amended claim 16 is consistent with MPEP § 2106.01 and is statutory.

Further, Applicants note that one skilled in the art would readily understand that support for the terms “computer-readable medium” is provided in the specification, which repeatedly references a high-density optical disc such as a BD-ROM. In response to the Action’s assertion that the term “computer-readable medium” can be a signal, Applicants note that the claims should be interpreted in light of the specification and the specification clearly discusses optical discs and does not describe a computer-readable medium as being a signal.

In light of the above, Applicants respectfully request the rejections of claim 16, as well as claims 17-24 depending therefrom, under 35 U.S.C. § 101 be withdrawn. Further, Applicants would consider suggested amendments to the claims 16-24 provided by the Examiner in a future Action.

**Rejections under 35 U.S.C. § 103**

Claims 1, 4, 5, and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kim et al. (U.S. Patent No. 6,754,435, herein Kim) in view of Burgess et al. (U.S. Patent No. 7,110,137, herein Burgess).

In rejecting claim 1, the Action appears to view the “pack start code” of the Kim system as corresponding to the linking information of claim 1. In the Kim system, the pack start code is stored in a presentation pack. More specifically, the presentation pack includes a header of 14 bytes and a packetized elementary stream data associated with the header.

However, Applicants submit that Kim at least fails to disclose that “the graphic link information and the graphic images are stored in separate files” as recited in amended claim 1. Further, Burgess is silent as to this feature of amended claim 1. Since, neither of the cited references, taken alone or in combination, teach all the limitations of amended claim 1,

Applicants submit that a *prima facie* case of obviousness has not been established against amended claim 1. Therefore, Applicants submit that amended claim 1 is allowable.

Further, in the Office Action dated May 29, 2008, the Office has also seemed to maintain the interpretation that “caption-based moving picture data search information” or the sub-picture search table of FIG. 12 of Kim can be considered as the link information that links the sub-picture data and the video data. In doing so, the Office has correctly noted that the table of FIG. 12 is stored in a hard disk, not in the computer-readable medium where the graphic images and link information are stored. Then, the Office has stated the following.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Kim to store the link information (sub-picture search table of figure 12) for the same purpose of the teaching of Kim, which is to avoid a redundant creation operation that take[s] place when the same optical disk is inserted in the optical disk driver because the system does not have to create the link information (sub-picture search table of figure 12) when the user play[s] the same disk in a different machine if the link information (sub-picture search table of figure 12) is stored in the same disk with the main video.

Applicants respectfully disagree with the above conclusion of obviousness. The above statement describes the advantages of the present application over the existing prior art, i.e., the computer-readable medium storing the graphic link information and graphic images obviates a redundant creation operation. However, it does not discuss why the skilled artisan would be motivated to modify the Kim system insofar as the system would work properly with the table stored in a hard disk. The Action has not provided “some articulated reasoning with some rational underpinning” as to why one of ordinary skill in the art would modify the system described in Kim. *KSR Int’l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 14 (U.S. Apr. 30, 2007) (quoting *In re Kahn*, 441 F.3d 977, 988, (Fed. Cir. 2006)). Only through impermissible and improper hindsight reconstruction has the Action been able to pick isolated disclosures in the

prior art in an attempt to arrive at Applicants' claimed invention. It is well settled that such hindsight reconstruction is improper. As such, the sub-picture search table of Kim is different from the graphic link information of the presently claimed invention, which further differentiates amended claim 1 from the cited references.

In light of the above, Applicants submit claim 1 is allowable. Further, based on the same reasons as set forth above, Applicants respectfully submit that amended claim 25 is also allowable, since claim 25 includes features somewhat similar to amended independent claim 1. Further, claims 4 and 5 depend from claim 1, rendering them also allowable for at least the same reasons.

Therefore, Applicants respectfully request the rejection of claims 1, 4, 5 and 25 under 35 U.S.C. § 103(a) be withdrawn.

Claims 6, 16, 2, 3, 15, 24, 8, 18, 9, 19, 10, 20, 11, 21, 12, 13, 14, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kim and Burgess as applied to claims 1, 4, 5 and 25 above and further in view of Ochiai et al. (U.S. Publication No. 2005/0180734, herein Ochiai).

Claims 6 and 16 have been amended to recite claim language similar to that described above with respect to claim 1. Applicants submit that Ochiai is silent as to the features of amended independent claims 6 and 16 that are somewhat similar to the features of amended claim 1 discussed above. Since, none of the cited references of Kim, Burgess and Ochiai, taken alone or in combination, teach all the limitations of the independent claims 1, 6 and 16, Applicants assert that the Office has failed to state a *prima facie* case of obviousness against amended claims 1, 6 and 16, and that amended independent claims 1, 6 and 16 are allowable.

Claims 2, 3, 15, 24, 8, 18, 9, 19, 10, 20, 11, 21, 12, 13, 14, 22 and 23 depend from allowable claims 1, 6 and 16, rendering them also allowable for at least the same reasons.

Therefore, Applicants request the rejection of claims 6, 16, 2, 3, 15, 24, 8, 18, 9, 19, 10, 20, 11, 21, 12, 13, 14, 22 and 23 under 35 U.S.C. § 103(a) be withdrawn.

Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kim, Burgess and Ochiai, and further in view of Russ (U.S. Patent No. 5,446,857). Applicants respectfully traverse this rejection as detailed below.

Applicants note this rejection is predicated on the above characterization of the Kim, Burgess and Ochiai, and is respectfully traversed, for the reasons pointed out above. Therefore, Applicants respectfully submit that claims 7 and 17, which respectively depend from claims 6 and 16, are allowable for at least the same reasons as claims 6 and 16 discussed above.

Therefore, Applicants respectfully request the rejection of claims 7 and 17 under 35 U.S.C. § 103(a) be withdrawn.

### **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

  
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